

SENATE BILL REPORT

ESSB 6076

As Passed Senate, February 19, 2002

Title: An act relating to law enforcement officers of the department of fish and wildlife.

Brief Description: Modifying the powers and duties of fish and wildlife law enforcement officers.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin, Oke, T. Sheldon, Snyder, Hargrove and Rasmussen; by request of Department of Fish and Wildlife).

Brief History:

Committee Activity: Judiciary: 2/27/01 [DPS].

Passed Senate: 3/12/01, 42-4; 2/19/02, 25-24.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6076 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Long and McCaslin.

Staff: Dick Armstrong (786-7460)

Background: Currently, Fish and Wildlife officers do not have the authority to issue a citation for violating traffic laws, or arrest a person for violating general criminal laws unless the criminal offense takes place in the officer's presence. Instead, Fish and Wildlife officers are designated as "limited authority peace officers" who only have the authority to enforce the laws governing the subject matter of their agency, unless a criminal offense occurs in the officer's presence.

Given that nearly all Fish and Wildlife officers have successfully completed the basic law enforcement academy course, or an equivalency course, sponsored by the Criminal Justice Training Commission, it is suggested that such officers be designated as "general authority peace officers" with such police powers and duties as are vested in sheriffs. It is argued that such a change would enhance public safety, reduce the workload of other police officers, and remove some of the ambiguity in current statutes governing the authority of Fish and Wildlife officers.

Summary of Bill: Fish and Wildlife officers are general authority peace officers and have the same police powers and duties as are vested in sheriffs and peace officers generally.

All Fish and Wildlife officers must be a citizen of the United States who can read and write the English language. All officers employed on or after the effective date of the act must

successfully complete the basic law enforcement academy course, or an equivalency course, sponsored by the Criminal Justice Training Commission.

Fish and Wildlife officers do not have the authority to conduct warrantless searches of noncommercial private areas or otherwise exceed constitutional search provisions.

Provisions of the bill do not provide membership in the LEOFF retirement system.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill will allow for 164 more fish and wildlife officers to be general authority peace officers and help to enhance public safety. The bill will make law enforcement more efficient. In addition, it will eliminate some confusion in the current statutes because fish and wildlife officers have limited authority to enforce criminal statutes statewide.

Testimony Against: None.

Testified: Russ Cahill, Fish and Wildlife Commission; Bruce Bjork, Fish and Wildlife Department; Larry Erickson, WASPIC; Bill Hanson, WACOPS.